

AMENDED IN SENATE JANUARY 15, 2014

AMENDED IN SENATE JANUARY 9, 2014

AMENDED IN SENATE JANUARY 6, 2014

SENATE BILL

No. 764

Introduced by Senator Yee

February 22, 2013

An act to amend Section 8050 of the Fish and Game Code, relating to fish and wildlife.

LEGISLATIVE COUNSEL'S DIGEST

SB 764, as amended, Yee. Fish: accounting records: violation.

Existing law requires commercial licensed ~~fisherman~~ *fishermen* and any person who deals in fresh or frozen fish for profit to keep prescribed accounting records. Existing law requires any of this accounting record information that is transmitted to any business that deals in fish for profit to be in the English language. Under existing law, a violation of any provision of the Fish and Game Code, or any rule, regulation, or order made or adopted under those provisions, is a misdemeanor, unless otherwise specified.

This bill would require a commercial licensed fisherman and any person who deals in fresh or frozen fish for profit to transmit the prescribed accounting record information, as further specified, to any business that deals in fish for profit. *The bill would permit the accounting record information to be provided in one or more additional languages.* By expanding the definition of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8050 of the Fish and Game Code is
2 amended to read:

3 8050. (a) In addition to the receipt required in Section 8043,
4 every person licensed under Article 7 (commencing with Section
5 8030), and any commercial fisherman who sells fish to persons
6 who are not licensed under Article 7 (commencing with Section
7 8030), and any person who deals in fresh or frozen fish for profit,
8 shall keep accounting records in which all of the following shall
9 be recorded:

10 (1) The names of the different species.

11 (2) The number of pounds sold, distributed, or taken of each
12 different species.

13 (3) The name of the person to whom the fish were sold or
14 distributed.

15 (4) The name, address, and ~~phone~~ *telephone* number of the seller
16 or distributor.

17 (5) The date of sale.

18 (6) The price paid.

19 (7) The intended use.

20 (b) A person identified in subdivision (a) shall transmit any
21 accounting record information required by this section, including,
22 but not limited to, the bill of lading, manifest, advanced shipping
23 notice, or alternative accounting record document, to any business
24 that deals in fish for profit and shall provide the accounting record
25 information in the English language, *and may also provide it in*
26 *one or more additional languages.*

27 (c) The accounting records shall be maintained by both buyer
28 and seller for a period of three years and upon request, shall be
29 open for inspection during normal business hours by the

1 department. The accounting records shall be maintained within
2 the State of California.

3 (d) The names used for designating the species of fish shall be
4 those in common usage unless otherwise designated by the
5 department.

6 SEC. 2. No reimbursement is required by this act pursuant to
7 Section 6 of Article XIII B of the California Constitution because
8 the only costs that may be incurred by a local agency or school
9 district will be incurred because this act creates a new crime or
10 infraction, eliminates a crime or infraction, or changes the penalty
11 for a crime or infraction, within the meaning of Section 17556 of
12 the Government Code, or changes the definition of a crime within
13 the meaning of Section 6 of Article XIII B of the California
14 Constitution.